

Accordingly, Plaintiff's Motion for Summary Judgment [Court Doc. 14] is **DENIED**. Defendant's Motion for Summary Judgment [Court Doc. 16] is **GRANTED**. Plaintiff shall continue to receive benefits from February 4, 2005, the date upon which he was found disabled, and the instant action is **DISMISSED WITH PREJUDICE**. The Clerk shall close the case.

SO ORDERED this 24th day of March, 2010.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE